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★ JUN 14 2011 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JIMMITROV VATEL ST. VAL,

Petitioner,

-against-

IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Respondent.

ORDER BROOKLYN OFFICE

11-CV-2384 (NGG)

-----X
NICHOLAS G. GARAUFIS, United States District Judge.

On April 20, 2011, the Board of Immigration Appeals issued a final order of removal against Petitioner pro se Jimmitrov Vatel St. Val ("St. Val"), a citizen of Haiti. (Resp.'s Opp'n (Docket Entry # 3) at 1.) On the same day, St. Val filed a motion in New York State court under New York Criminal Procedure Law § 440.10 challenging the state conviction underlying his order of removal. (Pet. (Docket Entry # 1) at 1.) On May 16, 2011, he filed a petition in this court "In Support of a motion For a Stay of deportation. Pursuant to 28 U.S.C. § 2201." (Id.) The United States Courts of Appeals, however, are the "sole and exclusive means for judicial review of an order of removal," including those seeking equitable relief. 8 U.S.C. § 1252(a)(5); see De Ping Wang v. DHS, 484 F.3d 615, 618 n.3 (2d Cir. 2007). Accordingly, St. Val's petition is TRANSFERRED to the United States Court of Appeals for the Second Circuit under 28 U.S.C. § 1631. See De Ping Wang, 484 F.3d at 618.

SO ORDERED.

s/Nicholas G. Garaufis

Dated: Brooklyn, New York
June 10, 2011

NICHOLAS G. GARAUFIS
United States District Judge